

# **WILLIAMSBURG BOARD OF ZONING APPEALS MINUTES**

January 6, 2004

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, January 6, 2004 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

## **ATTENDANCE**

Present were Board members Carr, Kafes, Knudson, Chohany, and White. Also present were Zoning Administrator Murphy and Secretary Scott.

## **CALL TO ORDER AND MINUTES**

Chairman Carr called the meeting to order.

Ms. Knudson moved that the minutes of the December 2, 2003 meeting be approved. The motion was seconded by Mr. Kafes and carried by roll call vote of 5-0.

## **PUBLIC HEARINGS**

**BZA #04-001: Request of Neel Enterprises, LLC for a special exception from Section 21-754 of the Zoning Ordinance to reface existing freestanding signs without bringing the signs into compliance with the eight foot height requirement of the Zoning Ordinance, and to allow the second freestanding sign to remain. Both requests are due to a change in franchise of the hotel to Rodeway Inn. The property is located at 1413 Richmond Road, Williamsburg Tax Map Number 373-(08)-00-A1 & B and is zoned General Business District B-3. Approved with Conditions.**

Chairman Carr introduced the request and invited the applicant to comment.

Sheldon Franck, attorney representing Neel Enterprises, LLC, stated that the request for a special exception is necessitated because the applicant is obtaining a franchise and needs to change the sign faces. He said justification for the special exception is the peculiar topography or characteristics of the land and intersection where it's difficult to see the sign at the entrance. The second sign would afford greater visibility of the property that is tucked away, as well as providing a safety benefit via prudent traffic management.

Board members had the following points/questions:

- Can the current signs be repaired/rebuilt since they are beat-up looking and the concrete base on the one near the pool is actually falling apart? The applicant replied that this could be done.
- Are there entrance and exit signs? The applicant stated there are no such signs, just marked pavement. Mrs. Murphy noted that such directional signs are not allowed unless there is one-way traffic.
- Mr. Chohany asked if there was any attempt to bring the signage into conformance. The sign ordinance was revised recently to make signs more standard, contemporary, to add bases, and lower the height allowed. If the sign is changed, we have missed the opportunity to bring it into conformance. He said that two years ago *Second Street* restaurant was required to bring their signage into compliance and lost one sign in the process. He said he is not in favor of granting the special exception and suggested the Board may need more time to consider this request.
- Challenging topography. Two signs are needed, and the westerly sign, which is currently 12 feet in height, needs to be improved and a maximum of ten feet in height.

Chairman Carr opened the public hearing.

There being no comment, the public hearing was closed.

Mr. Kafes moved that the special exception be granted for both of the signs with no change to the easterly sign except that it be repaired and the westerly sign not to exceed ten feet in height and repaired to the satisfaction of the Zoning Administrator.

This approval is based on Zoning Ordinance Section 21-754 which allows the Board of Zoning Appeals to permit an additional free-standing sign when the applicant can demonstrate the location, topography or configuration of any lot on which any permitted use is conducted is such and will cause a hardship by the limitations placed on signs permitted by this article due to sign distances, existing vegetation, location of buildings on adjacent lots, insufficient area to locate a monument sign or a freestanding sign supported by a pole or post on each end of the sign, and/or the topography of the parcel, the Board of Zoning Appeals may grant a special exception in accordance with Section 21-97(f) to either allow one additional free-standing sign, or to increase the amount of building mounted sign area by not more than 25 percent. It also states that no additional signage shall be approved by the Board of Zoning Appeals unless it is found:

- That the strict application of this section would cause an undue hardship.
- That such hardship is not shared generally by other properties in the same vicinity.
- That the issuance of the permit will not be of substantial detriment to adjacent property and that the character of the area will not be changed by the granting of the permit for additional signage.
- Any additional signage approved shall be limited to the applicant only, and shall not apply to any future tenant or business.
- Any freestanding sign approved in lieu of a required monument sign or freestanding sign supported by a pole or post on each end of the sign shall be limited in height to ten feet.

Mrs. Knudson asked if an amendment to the motion would be considered to require both signs to be monument signs. Mr. Chohany agreed with Mrs. Knudson's request for an amendment to the motion, and added that one of the goals when the sign ordinance was revised was to remove second signs.

Mr. Kafes did not accept the amendment, stating that the base is already fairly wide and is not offensive. He noted the added expense and hardship to the applicant if this requirement is placed on the approval.

Recorded vote on the motion:

Aye: Kafes, Carr, White  
No: Knudson, Chohany  
Absent: None

## **OLD BUSINESS - None**

## **NEW BUSINESS**

### Election of Officers

Chairman Carr stated that Mr. Kafes had previously suggested that members of the Board rotate serving as officers. There was agreement among members of the Board to continue this practice, therefore, Officers for 2004 will be:

Chairman – Judith N. Knudson  
Vice Chairman – Michael P. Chohany  
Secretary – Elizabeth L. White

## **OTHER**

### Court Cases

In response to Mrs. White's request for the attorney's answers to copies of the two petitions the Board recently received, Mrs. Murphy stated that she will request the responses and get them to Board members. Mr. Kafes requested copies of all the exhibits also.

### Signage

It was suggested that a review of sign issues be undertaken, and that Planning Director Nester attend this review. A couple of the issues noted are:

- the fact that when a sign is placed on a berm, this adds to the permitted height
- 25% of a sign can be movable lettering

There being no further business the meeting adjourned at 3:35 p.m.

Respectfully submitted,

Elizabeth L. White, Secretary  
Board of Zoning Appeals